IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.824 OF 2002

IN

SUMMARY SUIT NO.1999 OF 1998

Bank of India ....**Plffs.**
vs.
Indo-French Biotech
Enterprises and Ors. .....**Defnds.**

A.P. Rege for the plaintiffs.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The present suit is filed at the foot of the account and reliance is placed on four promissory notes. However the suitis based on the amount lent and advanced by the bank to the defendant. Promissory note is merely a collateral security. In view thereof suit is not maintainable.

2. Summons for judgment dismissed. Unconditional leave to defend. suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-

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